

The Madison County Board of Zoning Appeals met on the above date at 9:00 A.M. with, Member Bill Maxwell presiding.

Members Present: Bill Maxwell, Rick Durham, Albert Stewart and Bill Hobbs.

Members Absent: Mary Jane Baker.

Also Present: Cory Wilson, Executive Director, Judy King, Plan Reviewer, Gerald Shine, Jr., Attorney, and Beverly Guignet, Secretary.

CURRENT BUSINESS

1. Roll call was taken with one member, Mary Jane Baker being absent.
2. The minutes of the preceding meetings were distributed to each member prior to the meeting. Member Stewart made a motion to approve the minutes. Member Durham seconded the motion. The vote was unanimous in favor of the motion.

Continued Petitions

1. **Petition:** **2009-V-004 Variance** Zoning: AG (**Tabled at the 6/23 and 7/28 Meeting**)
Address: 3982 West CR 950 South, Pendleton
Location: North side of CR 950 South, west of CR 300 West
Petitioner: Taylor, Daniel
Request: Variance of Development Standards to provide for the construction of a 2,560 square foot accessory structure located within 7 (seven) feet of the side property line. County Ordinance requires all accessory structures to be placed no less than 25 feet from the side property line in an AG zoned district.

Director Wilson told the Board he had gone back to the site and spent some time with the petitioner and took additional pictures. There is drainage shale that runs through the property. The Drainage Board has stated they would allow an encroachment into the drainage easement if needed.

The petitioner would like it located in this position. The septic is located immediately east of the gravel area; however staff really can't identify a hardship with this site. The petitioner just wants the garage at this location.

Daniel Taylor, 3982 W 950S.

Mr. Taylor informed the Board he could move the garage in a little further than the ten feet that was suggested at the last meeting. But that would put it two feet away from the septic system and make it difficult to do any maintenance. Six feet would give enough room to get a backhoe

there or maintenance. Also, if the Board wants to shift the location into the easement it would require approval by the Drainage Board.

Mr. Shine told the Board there is a Drainage Board meeting tomorrow and all that would have to be filed would be a waiver form that could be approved (non enforcement agreement).

There were no remonstrators present.

Member Stewart moved to approve Petition #2009-V-004 for 14 feet off the property line and to move the building over from nine feet to 14 feet.

Member Hobbs seconded the motion.

The vote was unanimous in favor of the motion. **Petition #2009-V-004 was approved.**

2. **Petition:** **2009-V-005 Variance/2009-SU-006 Special Use Zoning: R-2**
(Tabled at the 6/23 and 7/28 Meeting)
Address: East side of CR 600 West, ¼ mile south of SR 128
Location: East side of CR 600 West, ¼ mile south of SR 128
Petitioner: Stapleton, Frank & Parthena
Request: Variance of Development Standards to provide for the construction of a barn to house livestock and implement storage. (R-2 zoned districts require a residential dwelling on a lot prior to an accessory structure.) Special Use to provide for an R-2 zoned parcel to be used for pasture and agriculture purposes.

Director Wilson told the Board this petition has been before the Board at the last couple of meetings and there have still been no changes. Staff felt this should be platted before this Board could take any action.

Staff is going to recommend one more 30 day continuance of this request. However, if staff does not receive a petition for this to be platted between now and the next Board meeting staff is going to ask that this be withdrawn by the Board. If they want to refile then the whole process would start over. New notification would be required.

There were no remonstrators present.

Member Hobbs moved to table Petitions #2009-V-005 Variance/2009-SU-006 for one additional month and if no remedy has been performed at that time these petitions will be withdrawn by the Board.

Member Durham seconded the motion.

The vote was unanimous in favor of the motion. **Petitions #2009-V-005 Variance/2009-SU-006 has been tabled until the September meeting.**

3. **Petition: 2009-SU-007 Special Use Zoning: GC (Tabled at the 7/28 Meeting)**
Address: 5211 South New Columbus Road, Anderson
Location: West side of New Columbus Road, South of 500 South
Petitioner: Ben Nagengast
Request: Expansion of Large Scale Recreational Business, to provide for an additional playing field and primitive camping sites.

Director Wilson informed the Board this was continued from last month's meeting as the Board wanted more information such as the traffic, customer numbers, information on additional permits if required from other agencies, etc.

Petitioner has provided more information and therefore staff recommends approval subject to the revised business plan dated August 2009. The petitioner has reduced the size of the expansion area from last months and staff wants to go on record that no further expansion would be supported.

Director Wilson told the Board one of the things he has given thought too was the paving. If someone would buy this in the future and wanted to farm or someone wanted develop this into a residential area it would be easier to remove a gravel lot versus a concrete or asphalt parking area.

Ben Nagengast, 810 Ernie Lu Avenue, Anderson.

Mr. Nagengast told the Board he has made several changes since the last meeting.

Originally it was planned to use the entire 51 acres but that has been reduced down to 26 acres.

Twenty part time employees have now been hired with one full time employee.

The following are pictures submitted by Mr. Nagengast showing the recycled asphalt material that will be used on the drive and parking lot:





The recycled asphalt essentially reduces dust, and creates a hard surface. The driveway, parking area will be constructed using a gravel base. It packs easily. It will be a graded and rolled surface.

The peak use of the facility will continue to be on the weekends. There will be some night games throughout the year. Most activity will be during the summer to late fall months.

The expansion to the north has to do more with the open play and private games. They are planning on providing 24 hour access to the restrooms. There will also be port-a-potties throughout the camping areas. There are staff members that monitor the entire facility.

The corn maze will be in operation throughout most of the fall and the Haunted House will be in operation the beginning the first of October till the end and will be open seven days a week. A sign will be placed advertising the Haunted House at the entrance to the facility and will be approximately 6' x 4' in size.

The largest group of players at one time could be 400. The restrooms will be adequate to handle the numbers. The way the property is laid out they have approval for two buildings on the southern end as well as an additional to the north. There is sewer service to the property. The sewer line runs along almost the entire north end of the property.

The traffic count for the last eight years was nearly 2,887 per day on south New Columbus Road south of 67th Street. In 2008 there were 1,619. New Columbus Road was built originally to be used as a State Road and they feel it could handle the traffic. Also, they feel there will not be any additional traffic on Co. Rd. 500S in either direction. All the brochures they hand out take their customers south on St. Rd. 109 to 67th Street and over to New Columbus Road and then south toward the facility. A logo sign is planning to be placed on the Interstate to direct customers to the facility. County Road 500S is not a suitable road and we are doing our best to keep traffic off of that road.

Forty cars per day are all that is anticipated though the week and 200 per day during the weekend. During the Haunted House and the corn maze they do expect an increase. Staff will handle the parking.

The camping area is not a public camping ground. Campers are not allowed to stay more than eight nights per year. It is only for specific events. Many will use tents and some will bring pull behind campers. The camping will be in the area north of the parking lot, which is not open at this time. There will be no campers near the road and there will be security people that patrol the area.

Trash removal is through Manifold Refuse and they pick up every week. There are trash barrels set up throughout the recreational area.

Mr. Nagengast agreed to adhere to the submitted business plan.

The setbacks for Primary Play Area #2 are, 200 feet from the west, 250 feet on the north and 500 feet on the east.

Lighting for the parking lot staging area will be temporary. Temporary lighting will also be brought in for the camping area. Lighting will adhere to all the standards of the Madison County Ordinances.

Member Hobbs asked if Mr. Nagengast would agree to paving within the next ten years.

Mr. Nagengast told the Board he has already spent \$25,000 on the driveway. What they would like to do within the next few years is to take stretches of the driveway and pave as budget would allow.

Elizabeth (not audible) 2320 E 7th Street.

Ms. Elizabeth told the Board she felt what Mr. Nagengast was doing for the community was a good idea and felt the location was great.

Penny Alco, 505 Fall Creek Drive.

Ms. Alco stated she doesn't live far from this location. She is with the Boy Scouts of America. She has a group that works the Haunted House and it is a benefit event. They feel this is a good experience for the scouts.

Patrick Manship, 1054 E 600S.

Mr. Manship told the Board he is a neighbor to this property. He has been back to this location numerous times and it is well run and is very clean. They have kept the driveway in excellent condition.

Director Wilson informed the Board 100 parking spaces would be adequate at this time. There shall be one space for every employee. Bring the petitioner back in one year for review. Lighting standards would have to comply with the ordinance & that there have been no complaints filed on this facility since its start.

There were no remonstrators present.

Member Hobbs moved to approve Petition #2009-SU-007 with the following conditions; all the ordinances are met as far lighting, signage, etc and that they work towards a 20 year plan to do the paving portion of the project and the petitioner come back in one year for review.

This request will not be injurious to morals, general welfare of the community. It does meet standards set forth in the district and it is consistent with the character of the zoning district of the Comprehensive Plan.

Member Stewart seconded the motion.

The vote was unanimous in favor of the motion. **Petition #2009-SU-007 was approved.**

New Business

1. **Petition:** **2009-V-007 Variance** Zoning: AG
Address: 2188 E. SR 36, Markleville
Location: North side of SR 36, east of 200 East.
Petitioner: Stephen & Sharon Barker
Request: Relief of required road frontage. Petitioners have 22.5' of road frontage.
 (Minimum amount of road frontage required for their lot width is 68.5 feet)

Director Wilson told the Board after site visits staff has identified areas of junk, trash and debris on this site. Staff is requesting this be cleaned prior to any decision being made and that this request be continued.

No permits would be issued for this until the two existing mobile homes are removed.

Steve Barker, 2188 E St. Rd. 36 was present.

Mr. Barker told the Board the trash and debris has already been cleaned and taken away. They live in one of the mobile homes at the present time but both will be removed when the new dwelling is placed for their use.

Director Wilson informed the Board staff would recommend approval with conditions; such as mobile homes are gone and the trash being cleaned up. Staff will go and look at the property to make sure it is cleaned up.

There were no remonstrators present.

Member Hobbs moved to approve Petition #2009-V-007 with the following conditions; all of the debris, trash and the two mobile homes that are currently on this property be removed prior to issuing a building permit.

This approval is not detrimental to the public, health, safety and general welfare of the public. It is not injurious to the adjoining properties. The regulations of the ordinance result in a practical difficulty in this permitted use of the property. This does not contradict the intent of the Comprehensive Plan.

The conditions of this request are unique to this specific property and this was separated/split in 1994 (therefore a legal building site).

Member Durham seconded the motion.

The vote was unanimous in favor of the motion. **Petition #2009-V-007 was approved.**

It was the consensus of the Board to take a five minute break (10:24:43 A.M.).

The Board was called back to order (10:29:40 A.M.)

The Board went to item 3; Petition #2009-SU-008

3. **Petition:** **2009-SU-008 Special Use** Zoning: R-1
 Address: 000 CR 200 North
 Location: North side of CR 200 North, approximately ¼ mile west of CR 300 East.
 Petitioner: Jeralee Jette
 Request : Special Use to provide for a small glass-etching business within an accessory structure prior to the construction of a dwelling (residence required prior to the construction of an accessory structure; special use grant required for proposed business).

Member Maxwell told the Board the Petitioner just notified him that she wishes to withdraw her request. She has changed her mind.

There were no remonstrators present.

Member Hobbs moved to accept the withdrawal of Petition #2009-SU-008 by the petitioner, Jeralee Jette.

Member Stewart seconded the motion.

The vote was unanimous in favor of the motion. **Petition #2009-SU-008 has been withdrawn.**

Ms. Jettée returned to the meeting and officially told the Board she wishes to withdraw her petition.

2. **Petition:** **2009-V-008 Variance** Zoning: GC
Address: 4976 East SR 32
Location: State Road 32 East, past CR 400 East
Petitioner: E. A. McClure Real Estate/Kelly McClure
Request: Variance of Development Standards to provide for an approximately 22 foot tall, 112 Sq. Ft. free standing sign located 2 feet from right-of-way on CR 500 East.

John Boyd, 633 Montezuma Road, Keystone, CO.

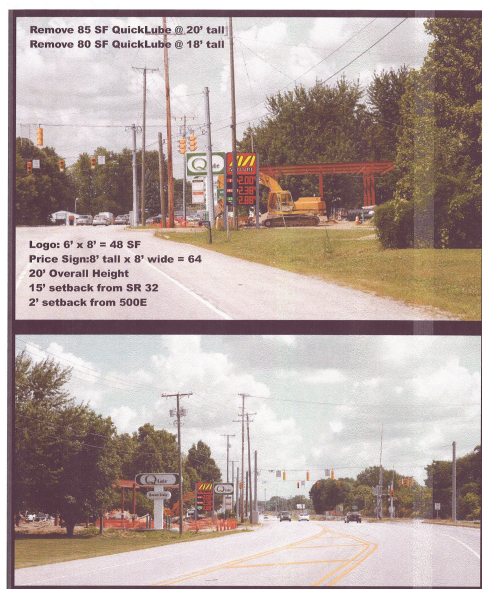
Mr. Boyd told the Board, McClure is building a new station and they would like to remove the two existing signs that total 150 square feet and put up one sign that is more modern.

The sign will be a 112 square foot free standing and approximately 22 feet tall. The sign will show the three different types of fuel and the prices for each.

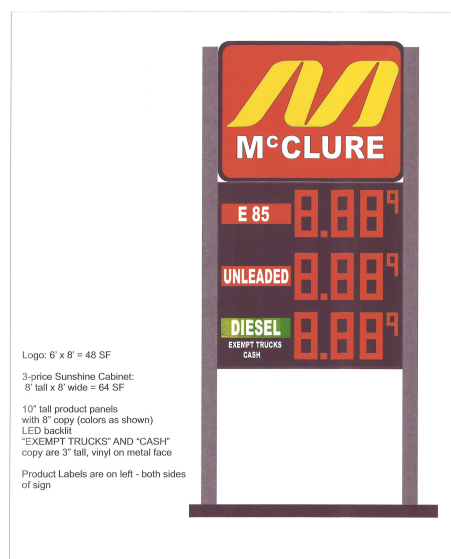
The location of the sign will keep it away from the diesel island but where it can be seen from St. Rd. 32.

They are on city water and sewer.

The following are the pictures that were submitted:



McClure Oil #42
 Anderson/Chesterfield, IN
 New Goal Post Sign Overlays



McClure Oil #42
 Anderson/Chesterfield, IN
 New Goal Post Sign

24" numerals
 Radio Control

George Mallet, 757 N 500E.

Mr. Mallet told the Board he owns the mobile home park behind the station. He is concerned with one of the concrete islands that is going in by the entry way. This comes off of 500E.

Mr. Mallet told the Board he is concerned that the entry way is not adequate and would make it difficult if they were to bring in a mobile home.

Cindy Hart,

Mrs. Hart informed the Board her drive is also going to be blocked by the island and is very concerned it is too far in to the right of way.

Director Wilson stated the island the remonstrators are referring to is located off of 500E. The petitioner will have to obtain permits from the Highway Department to do any construction in the right of way. All the Board is concerned with today is the variance for the sign as the MCPC has no BZA jurisdiction within the row.

Member Hobbs moved to approve Petition #2009-V-008. It would not be injurious to public health, safety, morals and general welfare of the community. The use will not adversely injury other properties or uses in the same districts in the vicinity. It is consistent with the zoning district character of the Comprehensive Plan.

Member Stewart seconded the motion.

The vote was unanimous in favor of the motion. **Petition #2009-V-008 was approved.**

4. Miscellaneous – Nothing was presented.

It was the consensus of the Board to adjourn.
Adjournment: 11:09:02 A.M.

Bill Maxwell, Member

Beverly Guignet, Secretary